

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Stacy Paver	Team: Team # 1	CCRB Case #: 200706134	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Wednesday, 05/02/2007 4:00 PM	Location of Incident: § 87(2)(b)	Precinct: 77	18 Mo. SOL 11/2/2008	EO SOL 11/2/2008	
Date/Time CV Reported Thu, 05/03/2007 12:26 AM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Thu, 05/03/2007 12:26 AM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POM Edwin Espinal	09609	934831	077 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Edwin Espinal	Force: PO Edwin Espinal pointed his gun at § 87(2)(b) and § 87(2)(b)	§ 87(2)(b)
B.POM Edwin Espinal	Abuse: PO Edwin Espinal searched § 87(2)(b) and § 87(2)(b)	§ 87(2)(b)
C.POM Edwin Espinal	Abuse: PO Edwin Espinal threatened to arrest § 87(2)(b)	§ 87(2)(b)

Synopsis

On May 5, 2007, § 87(2)(b) called the CCRB's Call Processing System, but he did not provide a detailed narrative. The undersigned called § 87(2)(b) on May 8, 2007 to obtain more information regarding his complaint. § 87(2)(b) stated that on May 2, 2007, at approximately 4:00 AM, in the vicinity of § 87(2)(b) in Brooklyn, he cleaned out his old apartment on the § 87(2)(b) floor with the help of his friend § 87(2)(b). Also present was § 87(2)(b)'s sister, § 87(2)(b) who § 87(2)(b) stated lived on the first floor of the building. § 87(2)(b) stated that he exited his apartment and walked toward the staircase to bring his garbage downstairs to throw away. § 87(2)(b) stated that as he approached the stairway, PO Espinal of the 77th Precinct, walked up the staircase and warned him right away, "don't move." § 87(2)(b) described PO Espinal as a Hispanic male officer who is approximately 5'0" and twenty years old, with light skin, and short black hair. § 87(2)(b) identified PO Espinal by his nameplate, but did not remember the officer's shield number. As PO Espinal ascended the staircase, he pointed his gun in § 87(2)(b)'s face. PO Espinal also pointed his gun at § 87(2)(b) and at § 87(2)(b) (**Allegation A**). § 87(2)(b) stated that PO Espinal pulled up his shirt and searched his pockets and then searched § 87(2)(b) and § 87(2)(b) (**Allegation B**). PO Espinal told § 87(2)(b) to sit down in front of the mattress that was located in the hallway on the third floor. § 87(2)(b) then stated that PO Espinal warned him to "shut up before you get arrested," (**Allegation C**) although § 87(2)(b) did not provide any context as to why the officer issued this command. After the search, § 87(2)(b) stated that he sat quietly until PO Espinal told him to go upstairs to the fourth floor and to stay there for five minutes. § 87(2)(b) stated that PO Espinal told him to come back downstairs after five minutes because in that time he was going to arrest § 87(2)(b). § 87(2)(b) was arrested for possession of marijuana. § 87(2)(b) was not arrested, he was not issued a summons, he was never handcuffed, and he was never asked to provide identification.

Several attempts were made to contact § 87(2)(b). On May 8, 2007, the undersigned called § 87(2)(b) to obtain more information regarding his complaint and sent § 87(2)(b) a contact letter. On May 8, 2007, § 87(2)(b) provided a detailed summary of his incident and scheduled an in-person interview for Thursday, May 17, 2007 at 11:00 AM. On May 17, 2007, § 87(2)(b) did not appear for the interview and he did not call to cancel. The undersigned sent § 87(2)(b) a missed appointment letter on May 17, 2007. On May 18, 2007, the undersigned called § 87(2)(b) and left a message with his mother for him to call to reschedule his appointment. On May 18, 2007, § 87(2)(b) returned the phone call and left a message that he worked on Thursday, May 17, 2007 and that he wanted to schedule another appointment for May 24, 2007. On May 18, 2007 and May 21, 2007, the undersigned called § 87(2)(b) at the telephone number he provided but there was no answering machine to leave a message. On May 22, 2007, § 87(2)(b) called the undersigned to schedule another interview. An interview was scheduled for May 24, 2007 at 11:00 AM. § 87(2)(b) did not appear for the interview and he did not call to cancel. On May 24, 2007, the undersigned sent § 87(2)(b) a second missed appointment contact letter. None of the contact letters were returned from the post office. The undersigned called § 87(2)(b) on May 29, 2007 to obtain a detailed description of the incident as well as to determine if she would like to pursue this complaint. § 87(2)(b) did not want to provide any information.

§ 87(2)(g)

Investigator:

Date:

Supervisor:

Date:

Reviewed by:

Date:

Reviewed by:

Date: